

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 1:18-CV-359
	:	
Plaintiff,	:	
	:	JUDGE
v.	:	
	:	
TWENTY-FOUR THOUSAND	:	<u>VERIFIED COMPLAINT FOR</u>
DOLLARS IN UNITED STATES	:	<u>FORFEITURE IN REM</u>
CURRENCY (\$24,000.00),	:	
	:	
Defendant.	:	
	:	

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendant in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 21 U.S.C. § 881(a)(6), which provides for the forfeiture to the United States of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

THE DEFENDANT IN REM

2. The defendant is Twenty-Four Thousand Dollars in United States Currency (\$24,000.00) (“defendant currency”). On or about January 4, 2018, the Drug Enforcement Administration seized the defendant currency, from a vehicle operated by Perez Keith, in the parking lot of the Belle Tower Apartments, located at 631 Woodlawn Avenue, Hamilton, Ohio.

The United States has deposited the defendant currency into the Seized Asset Deposit Fund, where it will remain during the pendency of this action.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant currency pursuant to 21 U.S.C. § 881(a)(6). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and pursuant to 28 U.S.C. § 1395 because the defendant currency was found in the Southern District of Ohio.

BASIS FOR FORFEITURE

6. The defendant currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because the defendant currency represents property furnished or intended to be furnished by any person in exchange for a controlled substance, represents proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or a conspiracy to commit such offense in violation of 21 U.S.C. § 846.

FACTS

7. The Drug Enforcement Administration (“DEA”) and the Butler County Undercover Regional Narcotics Unit (“BURN”) are investigating cocaine distribution activities in the Hamilton, Ohio area and elsewhere. Law enforcement officers have identified Perez Keith and

Brian Goolsby as individuals involved in the distribution of cocaine.

8. In December 2016, and January 2017, BURN agents received information from several cooperating sources of information (“SOIs”) that Perez Keith is a source of supply of cocaine in Hamilton, Ohio, and the surrounding areas. The SOIs advised that they have personally seen Perez Keith with multiple kilograms of cocaine and have purchased cocaine from him.

9. On or about January 4, 2018, DEA Task Force Agent (“TFA”) Timothy Andrews, along with BURN agents, conducted surveillance on Perez Keith in the area of South Seventh Street and Rigdon Street in Hamilton, Ohio. Officers knew that Perez Keith used a white Lincoln Navigator.

10. During the course of surveillance, a BURN agent observed the white Lincoln Navigator, leaving the area of Goolsby Trucking, LLC (“Goolsby Trucking”), which is a business known to be involved in narcotics trafficking. Brian Goolsby is the owner and registered agent of Goolsby Trucking.

11. A uniformed officer of the Butler County Sheriff’s Office conducted a traffic stop on the Lincoln Navigator for speeding. The vehicle, which was operated by Perez Keith, stopped in the parking lot of the Belle Tower Apartments, located at 631 Woodlawn Avenue, Hamilton, Ohio.

12. Upon coming to a stop, Perez Keith immediately exited the vehicle. The officer directed Perez Keith to get back into his vehicle. After Perez Keith complied, the officer approached the vehicle on the passenger side and advised Keith of the reason for the stop, that is, Keith was traveling 36 mph in a 25 mph zone in a residential area.

13. As requested, Perez Keith provided his driver’s license and proof of insurance,

which confirmed his identity. The officer observed that Perez Keith appeared nervous and that his heartbeat could be seen through his shirt. Perez Keith advised that he was on his way to his mother's apartment.

14. Based on Perez Keith's suspicious behavior and his history of carrying a concealed weapon, the officer requested that Keith step out of the vehicle and proceed to the area of the hood, where the officer patted down Keith for weapons. During the pat down, the officer did not locate any weapons.

15. After the officer determined that Perez Keith had something in his right front pants pocket, Keith gave the officer verbal consent to search his person. In Perez Keith's right front pants pocket, the officer found approximately \$1,300.00 in U.S. currency. Perez Keith explained that the money was from his taxes at which time the officer returned the money to Keith.

16. Perez Keith, who was the only occupant of the Lincoln Navigator, gave verbal consent for officers to search the vehicle. The vehicle is registered to Perez Keith's wife, who was not present at the scene.

17. An officer used a drug detection canine to conduct an open air sniff of the Lincoln Navigator. The trained canine showed a positive alert on the driver and passenger side doors of the vehicle. An officer advised Perez Keith of his findings and advised Keith that he was going to search the vehicle.

18. At that time, officers conducted a search of the vehicle. Under the rear seat, officers found a white plastic Menard's shopping bag. Inside the bag was a second plastic Menard's shopping bag, which contained an unknown amount of currency.

19. TFA Andrews seized the currency and later learned that the currency totaled \$31,000.00, which was in the following denominations.

DENOMINATION	QUANTITY
\$100	67
\$50	28
\$20	1,040
\$10	191
\$5	38

20. Narcotics trafficking is a cash business. As indicated above, the majority of the currency was in small denominations, which is consistent with street-level narcotics trafficking. A kilogram of cocaine costs approximately \$31,000.00.

21. After the officers completed the search, an officer advised Perez Keith that he was going to issue a written warning to Keith for speeding, that he was going to seize the currency, and that Keith would be given a written receipt for the currency.

22. Perez Keith advised officers that the seized currency did not belong to him; rather, the money belonged to Goolsby Trucking. Keith stated that he was going to deposit the money at U.S. Bank or First Financial Bank. The officer noted that the bag, in which the money was found, did not contain any deposit slips or other paperwork associated with Goolsby Trucking.

23. During the traffic stop, officers observed Brian Goolsby arrive at the Belle Tower Apartments, where he stood with Perez Keith's mother under the awning of the apartment complex and observed the traffic stop.

24. Perez Keith told officers that he contacted Goolsby by cell phone as the officer initiated the traffic stop. Brian Goolsby did not approach the officers during the traffic stop and assert that the currency belonged to Goolsby Trucking or to him.

25. After the completion of the stop, officers returned to the Butler County Undercover

Regional Narcotics Office where an officer put the seized currency in a cardboard parcel and placed the cardboard parcel among similar parcels in a secure area. An officer, who did not know where the seized currency was placed, conducted an open air sniff of the parcels with his drug detection canine. The canine showed a passive alert to the parcel which contained the seized currency.

26. TFA Andrews placed his wallet, which contained currency, in one of the parcels. An officer, who did not know where the wallet was placed, conducted an open air sniff of the parcels with his drug detection canine. The canine did not alert to any of the parcels.

27. In or about April 2018, a source of information stated to a law enforcement officer that Brian Goolsby provided him/her with 2-3 ounces of cocaine.

28. Brian Goolsby submitted a claim to the DEA, asserting an interest in \$24,000.00 of the \$31,000.00 that was seized. In his administrative claim, Goolsby stated that he gave Perez Keith \$24,000.00 in cash for the purchase of real estate in Hamilton County, Ohio.

29. Law enforcement officers have conducted surveillance in the area of Goolsby Trucking in Hamilton, Ohio. During surveillance, officers observed multiple dump trucks at the business, but the trucks did not appear to be involved in much activity.

30. Perez Keith has a criminal history, which includes but is not limited to, convictions in Butler County for possession of drugs and trafficking in drugs in September 2008, and a conviction in Butler County for carrying a concealed weapon in April 1999.

31. Brian Goolsby has a criminal history, which includes but is not limited to, a conviction for aggravated assault in November 2000 and a conviction in Butler County for felony drug abuse in November 2000.

32. By reason of the facts set forth herein, the defendant currency is properly

condemned and forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6).

CLAIM FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that:

(a) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendant currency and to retain the same in its custody subject to further order of the Court;

(b) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendant currency to assert in conformity with the law a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for 30 consecutive days;

(c) the forfeiture of the defendant currency to the United States be confirmed, enforced, and ordered by the Court;

(d) the Court thereafter order the United States to dispose of the defendant currency as provided by law; and

(e) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Deborah D. Grimes
DEBORAH D. GRIMES (0078698)
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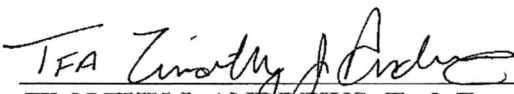
VERIFICATION

I, Timothy J. Andrews, hereby verify and declare under the penalty of perjury that I am a Task Force Agent with the Drug Enforcement Administration, that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except that those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

Dated 5.23.2018


TIMOTHY J. ANDREWS, Task Force Agent
Drug Enforcement Administration

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff **Hamilton**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Deborah D. Grimes, Assistant United States Attorney

221 E. Fourth Street, Suite 400

Cincinnati, Ohio 45202 (513) 684-3711

DEFENDANTSTwenty-Four Thousand Dollars in United States Currency
(\$24,000.00)County of Residence of First Listed Defendant **Hamilton**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Forfeiture pursuant to 21 U.S.C. § 881(a)(6)

Brief description of cause:

Forfeiture

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/24/18

FOR OFFICE USE ONLY

Deborah D. Grimes

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE